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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/075,888

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Barry P. Falvo

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MOTOROLA MOBILITY, INC  
600 NORTH US HIGHWAY 45  
W2-55BB  
LIBERTYVILLE, IL 60048-5343

EXAMINER

PENG, FRED H

ART UNIT

PAPER NUMBER

2426

NOTIFICATION DATE

DELIVERY MODE

11/16/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKETING.MOBILITY@MOTOROLA.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/075,888	<b>Applicant(s)</b> FALVO ET AL.	
	<b>Examiner</b> FRED PENG	<b>Art Unit</b> 2426	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1-25 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-25 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

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***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/2011 has been entered.

**DETAILED ACTION**

***Status of Claims***

2. Claims 1-25 are pending in this application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6 and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2005/0028208).

Regarding Claims 1 and 5, Ellis discloses (e.g., see FIG.6a) a set-top box (STB) with a television (22) and an auxiliary display device (24), with a method of changing program channels comprising:

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(a) the STB (e.g., see FIG.3, 28) transmitting current tuned channel number to the auxiliary display device (e.g., see FIG.11, 201; Para 138; Para 18; the remote access device 24 is able to obtain the current tuned channel number information from the STB when children are tuning to a channel for watching);

(b) the auxiliary display device determining a particular URL associated with the current tuned channel number utilizing the current tuned channel number provided by the STB (e.g., see Para 99; determining a particular web page (URL) at the remote access device 24 to access the parental control associated with the channel being watched); and

(c) the auxiliary display device presenting the web content associated with the URL associated with the current tuned channel number on the display of an auxiliary display device (e.g., see FIG.24; the user then is able to adjust the parental control related to this particular channel through the web page).

Regarding Claim 3, Ellis inherently discloses correlating the program channel data to a virtual channel map (VCM) (equated to program guide) stored in the STB (e.g., see Para 67; the program channel data is correlated to the program guide (EPG) stored in the STB).

Regarding Claim 4, Ellis further discloses that a web browser residing in the auxiliary display device using the URL to access a web site, the web site providing the web content to be presented on the display of the auxiliary display device (e.g., see FIG.24; Para 101).

Regarding Claim 6, Ellis inherently discloses from Claim 1 that step (a) is implemented in response to a user playing back a previously recorded program viewed on the television, the recorded program including program channel data (e.g., see Para 83; Para 85; set top box is able to play back the recorded program with corresponding data).

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Regarding Claim 21, Ellis discloses a communications system (e.g., see FIG.6a) for changing program channels viewed on a television and presenting a web page associated with a current tuned channel number, the system comprising:

(a) a remote server (61);

(b) a set-top box (STB) (part of 22) in communication with the remote server and the television (part of 22), the STB including a virtual channel map (such as program guide) ; and

(c) an auxiliary display device (24) which includes a display that presents a web page associated with the current tuned channel number viewed on the television (parent control web page associated with the current tuned channel), wherein the STB transmits the current tuned channel number to the auxiliary display device via the remote server and the auxiliary device determines the web page to be displayed utilizing the current tuned channel number provided by the STB (the STB transmit the channel number information to remote access device 24 via the remote server).

Regarding Claim 22, Ellis further discloses (d) a cable modem in communication with the remote server (e) a wireless communication bridge (in farad transceiver), wherein the STB transmits the current tuned channel number to the auxiliary display device via the remote server (61), the cable modem and the wireless communication bridge (e.g., see Para 76).

Regarding Claim 23, Ellis further discloses the STB transmits current tuned channel information to the auxiliary display device in response to a user changing the current program channel (e.g., see FIG.11, 201, channel number changes corresponding to a new channel).

Regarding Claim 24, Ellis inherently discloses the remote server is a cable head-end operated by a multiple system cable operator (MSO), the cable head-end comprising: (i) reverse data channel (RDC) equipment; (ii) a network control system (NCS); and (iii) a cable modem

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termination system (CMTS) (e.g., see FIG.6a; the cable head-end inherently includes recited limitations mentioned above).

Regarding Claim 25, Ellis further discloses the communications system is a cable television (CATV) system (e.g., see FIG2d, 16).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2005/0028208) in view of Ullman et al (US 6,018,768).

Regarding Claims 2, 8 and 16, Ellis discloses the auxiliary display device presenting a hyperlink on the display, the hyperlink providing access to program channel data associated with a new tuned channel (e.g., see Para 176; for parental control associated with a new tuned channel).

Ellis discloses user option to select bookmarks (hyperlink) for the user to access the corresponding site but is silent about activating the hyperlink to change the current tuned channel to the new tuned channel.

In an analogous art, Ullman discloses activating the hyperlink to change the current tuned channel to the new tuned channel (e.g., see Col 9 lines 20-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis to include the hyperlink to change the current

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tuned channel to the new tuned channel, as taught by Ullman to provide a convenient bookmark to quickly access a desired channel.

Regarding Claim 7, Ellis discloses (e.g., see FIG.2a) a STB in communication with a remote server (16), a television (22) and an auxiliary display device (24), with a method of changing program channels comprising:

(a) receiving, at the STB (e.g., see FIG.3, 28), a virtual channel map (VCM) (equated to interactive program guide) from the remote server, the VCM including program information associated with at least one program channel (e.g., see Para 67); (b) the STB transmitting the VCM to the auxiliary display device (e.g., see Para 71); (c) storing the VCM (then stores the program guide at the remote access device); (d) the STB transmitting current tuned channel information to the auxiliary display device (e.g., see FIG.11, 201; Para 138; Para 18; the remote access device 24 is able to obtain the current tuned channel number information from the STB when children are tuning to a channel for watching); (e) the auxiliary display device correlating the current tuned channel number to a particular URL contained utilizing the current tuned channel number provided by the STB (e.g., see Para 99; determining a particular web page (URL) at the remote access device 24 to access the parental control associated with the channel being watched); and

(f) the auxiliary display device presenting web content associated with the particular URL associated with the current tuned channel on an auxiliary display (e.g., see FIG.24; the user then is able to adjust the parental control related to this particular channel through the web page).

Ellis is silent about the VCM including URL information associated with at least one program channel and correlates the currently tuned channel to the particular URL contained in the VCM.

In an analogous art, Ullman discloses the VCM (equated to Link File) including URL information associated with at least one program channel and correlates the currently tuned channel to the particular URL contained in the VCM (e.g., see Col 6 line 24 – Col 7 line 53).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis to include the VCM including URL information associated with at least one program channel and correlating the currently tuned channel to the particular URL contained in the VCM, as taught by Ullman to enhance the viewing experience with additional information of each channel without interruption.

Regarding Claim 9, Ellis further discloses the program channel data is correlated to a VCM stored in the STB (such as program rating correlated to the program guide), and the STB changes the current tuned channel to the new tuned channel (and may change to a new tuned channel with different rating).

Regarding Claims 10 and 18, Ellis further discloses step (e) comprising a web browser residing in the auxiliary display device using the particular URL to access a web site, the web site providing the web content to be presented on the display of the auxiliary display device (e.g., see FIG.24; browse through a bookmark).

Regarding Claims 11 and 19, Ellis further discloses step (d) is implemented in response to a user changing the current tuned channel (e.g., see FIG.11, 201; the channel status will reflect a new tuned channel).

Regarding Claim 12, Ellis inherently discloses step (d) is implemented in response to a user playing back a previously recorded program viewed on the television, the recorded program including program channel data (e.g., see Para 83; Para 85; set top box is able to play back the recorded program with corresponding data).

Regarding Claim 13, Ellis further discloses the STB transmits the current tuned channel number to the auxiliary display device via the remote server (e.g., see FIG.6a; Para 18; an



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embodiment when a user is away from home such as at work; the user is able to use remote access device such as a computer to monitor the currently being watched channel by the children).

Regarding Claim 14, the recited claim limitations are similar to claim 1, thus is rejected based on the same grounds as for Claim 1.

Regarding Claim 15, Ellis further discloses (c) a wireless communication bridge (such as wireless infrared transceiver), wherein the STB transmits the current tuned channel information to the auxiliary display device via the wireless communication bridge (e.g., see FIG.2a; Para 76-77).

Regarding Claim 17, Ellis further discloses the STB includes a virtual channel map (VCM) (such as interactive program guide), and the program channel data is correlated to the VCM (e.g., see Para 67).

Regarding Claim 20, Ellis further discloses the communications system is a cable television (CATV) system (e.g., see FIG.2a, 16).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Claims 1-25 are rejected.

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***Correspondence Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Peng/

Examiner, Art Unit 2426